

REMARKS

Claims 2-12 are pending in this application.

The Office Action dated November 16, 2005, has been received and carefully reviewed. Each of the issues raised in that Office Action is addressed herein. The rejections were also discussed with the examiner during a personal interview. Applicant's representative would like to thank the examiner for the courtesies extended during the interview and the helpful comments that were provided. A statement of the substance of the interview appears below.

STATEMENT OF SUBSTANCE OF INTERVIEW

A personal interview was held between Examiner Aimee Li and Applicant's representative, Scott Wakeman, on January 11, 2006. Claims 9 and 12 were discussed as were the Onozaki and Silberschatz references. Regarding claim 9, the meaning of the term "flag" was discussed. The examiner is relying on a broad dictionary definition of "flag." Narrower definitions of "flag" were discussed, and Applicant's representative submitted that the broad definition is not reasonable in light of the specification and the common meaning of this term. The meaning of the phrase "from said information processing apparatus" was also discussed. Applicant's representative submitted that this term is defined in part by the preamble of the claim and that the interpretation of this phrase as used in the Office Action is not consistent with the meaning in the claim. The examiner requested written arguments on both these points. Regarding claim 12, the motivation to combine Onozaki and Silberschatz was discussed, and the examiner explained that the second bullet point on page 7.33 of Silberschatz was the basis of the rejection. No agreement was reached.

SUBSTANTIVE REJECTIONS

Claim 9 stands rejected under 35 U.S.C. 102(b) as being anticipated by Onozaki. Claim 1 requires a data driven type information processing apparatus that includes, *inter alia*, a circuit controlling transfer and operating processes of a data packet which data packet includes at least a destination node number, a generation number, an instruction code and data; and an input/output control circuit outputting said data packet from an information processing apparatus when the

data packet includes a host transfer flag. Onozaki does not disclose a host transfer flag as claimed. Instead, Onozaki determines whether to output a packet from a data processor based on the generation number and the node number (column 14, lines 10-15).

The Office Action relies upon a very broad dictionary definition of “flag” and argues that Onozaki’s generation number and node number could be considered to be “flags” under this definition. However, the ordinary meaning of terms used in a claim must be determined primarily from the specification, and the Federal Circuit in *Phillips v. AWH Corp.*, 75 U.S.P.Q. 2d 1321 (Fed. Cir. 2005), has cautioned against over reliance on dictionaries. As explained in *Phillips*,

The main problem with elevating the dictionary to such prominence is that it focuses the inquiry on the abstract meaning of words rather than on the meaning of claim terms within the context of the patent. Properly viewed, the “ordinary meaning” of a claim term is its meaning to the ordinary artisan after reading the entire patent. Yet heavy reliance on the dictionary divorced from the intrinsic evidence risks transforming the meaning of the claim term to the artisan into the meaning of the term in the abstract, out of its particular context, which is the specification. ... Thus, there may be a disconnect between the patentee’s responsibility to describe and claim his invention, and the dictionary editors’ objective of aggregating all possible definitions for particular words.

Furthermore,

...different dictionaries may contain somewhat different sets of definitions for the same words. A claim should not rise or fall based upon the preferences of a particular dictionary editor, or the court’s independent decision, uninformed by the specification, to rely on one dictionary rather than another. Finally, the authors of dictionaries or treatises may simplify ideas to communicate them most effectively to the public and may thus choose a meaning that is not pertinent to the understanding of particular claim language. (citation omitted). The resulting definitions therefore do not necessarily reflect the inventor’s goal of distinctly setting forth his invention as a person of ordinary skill in that particular art would understand it.

In the present case, it is respectfully submitted that one skilled in the art would understand the claimed host transfer flag to be something other than the generation number or node number,

based, for example, on the discussion of the host transfer flag is at page 12, lines 8-14. In addition, one skilled in the art would understand that the host transfer flag can take on “H” (high) or “L” levels (page 12, lines 2-7) to indicate whether a data packet so marked should be transferred outside the information processing apparatus. This definition of flag, incidentally, is consistent with the definition of flag from the Free On-Line Dictionary of Computing (FOLDOC), (<http://foldoc.org>), namely, “A variable or quantity that can take on one of two values; a bit, particularly one that is used to indicate one of two outcomes or is used to control which of two things is to be done.” In view of the above, it is respectfully submitted that one skilled in the art would understand “flag” in the context of the application to mean something different from Onozaki’s generation number and node number, and that the definition of “flag” relied on by the Office Action is unreasonably broad and defines “flag” in a manner that is not consistent with the present specification and claims.

Claim 9 further requires a data driven type information processing apparatus comprising several elements and a data packet erasing circuit “...outputting other data packets from said information processing apparatus.” The Office Action argues that the meaning of “information processing apparatus” is broad enough to cover any individual processing element of Onozaki, such as his paired data detecting unit 12. However, as discussed during the interview, this interpretation disregards the fact that the elements that make up “said” information processing apparatus are recited in the first line of the claim. Furthermore, the last line of claim 9 refers back to “said information processing apparatus” from the preamble. Thus, it is respectfully submitted that the preamble is necessary to an understanding of the claim and cannot be disregarded. The claim requires a packet be output from a data processing apparatus. Moving a packet between two elements inside a data processing apparatus does not satisfy this limitation. Moreover, one skilled in the art reading this claim in light of the specification would not understand “data processing apparatus” to have the meaning attributed to it in the Office Action. The ordinary meaning of “information processing apparatus” as used in the claims is something comprising a self-synchronous transfer control circuit ... at least one pipeline register ... an input/output control circuit ... and a data packet erasing circuit, and, under this interpretation of the claim, Onozaki does not show each element of the claimed invention.

Applicant acknowledges that the examiner must give claims their “broadest reasonable meaning.” However, as provided by the Federal Circuit in *In re Cortright*, 49 U.S.P.Q. 2d 1464 (Fed. Cir. 1999), “The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.” As discussed above, the claim interpretations relied upon in the Office Action are not consistent with the interpretations that would be given to the terms in the claims by one of ordinary skill in the art. For each of these reasons, it is respectfully submitted that claim 9 distinguishes over Onozaki, and reconsideration and allowance of claim 9 is respectfully requested.

If the above rejection of claim 9 is maintained, it is respectfully requested that the examiner explain how the interpretations of “flag” and “information processing apparatus” used in the Office Action are the meanings that would be understood by one skilled in the art in view of the specification and the above arguments.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Onozaki in view of Silberschatz. It is noted that the arguments concerning the terms “flag” and “information processing apparatus” presented above in connection with claim 9 are relevant to this rejection as well, and claim 12 is submitted to be allowable for at least the same reasons as claim 9. In addition, claim 12 requires that two steps be taken “when a deadlock state occurs.” The Office Action acknowledges that Onozaki does not teach taking these two steps when a deadlock occurs. The Office Action therefore cites to Silberschatz to show that one skilled in the art would have erased and outputted a data packet when a deadlock state occurs. During the interview, the examiner indicated that the second bullet point on page 7.33 of Silberschatz was the primary basis for this rejection. This bullet point reads “abort one process at a time until the deadlock cycle is eliminated.” Silberschatz provides no indication of what is meant by “abort.” Nothing in Silberschatz, a discussion of the concept of “deadlock states” in general, suggests any specific actions be taken in a data driven information processing apparatus as claimed. Nothing in the art of record, therefore, suggests modifying Onozaki as suggested in the Office Action. It is therefore respectfully submitted that claim 12 patentably distinguishes over the art of record for this reason as well.

If this rejection is maintained, it is respectfully requested that the examiner explain how the above statement shows the claimed "erasing" and "outputting" steps and explain why one skilled in the art would find it obvious to erase, much less output a data packet in light of the statements in Silberschatz. If the second bullet point in Silberschatz is not the only portion of Silberschatz being relied upon, it is respectfully requested that the relevant portions of Silberschatz be quoted or identified by line number because the general discussion of deadlock states at pages 7.33 to 7.35 appears to provide no information regarding erasing and outputting. Reconsideration and allowance of claim 12 is respectfully requested for these reasons as well.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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